

2023:PHHC:067049

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-879-2023

Date of decision : 04.05.2023

Harjot Singh

..... Petitioner

versus

The Punjabi University and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Viren Sibal, Advocate
for the petitioner.

Mr. Gurpreet Singh Dhillon, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

By way of present writ petition, the petitioner seeks writ in the nature of mandamus in form of command to the respondent-University to place the petitioner at an appropriate position in the tentative seniority list (Annexure P-3) with further prayer to quash the seniority list (Annexure P-8).

2. The petitioner who was appointed as Technician Grade-II in Legal Cell was awarded pay scale of Rs.10300-34800 plus grade pay of Rs.3200 which was further revised Rs.10300-34800 plus grade pay of Rs.3800 and the same was approved by the syndicate of the University in its meeting held on 28.12.2013.

3. The respondent-University in order to draw common seniority of Technical Group-III post amalgamated all posts in the said services and published a tentative seniority list on 08.08.2022. The petitioner was placed at the tail end.

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4. The petitioner filed objections representing against the said tentative seniority list. The same were decided vide order dated 02.09.2022 (Annexure P-5) dealing the objections raised by the petitioner as under:-

Sr.No.	Objections sent by the employees	Fulfillment of objection
5.	Sh. Harjot Singh, Technician Grade 2 (I.T.), Legal Cell has raised the objection that: (1) In the technical Group-3 issued temporary seniority list, his name has been shown in end at Sr.No. 105, due to which he would suffer huge loss at the time of promotion to higher post. He had joined directly recruitment on dated 3.3.2014 on regular basis at the university. For this reason, his name should be registered Sr.No.62 in the seniority list. (2) In the seniority list, special remarks has been given that as per the orders of the Vice-Chancellor, my job has been included in Group-3 on dated 2.9.2022, whereas according to Para 2 of Syndicate dated 28.12.20213, his post is included in Group-3, along with 3800/- Grade-Pay, from dated 28.12.2013. Due to this, his name should be registered at Sr. No.62 in the seniority list.	The objection raised by Sh. Harjot Singh, Technician Grade-2 (I.T.). Legal Cell, is not appropriate because (1) the concerned employee had joined on dated 3.3.2014 in Legal Cell at the post of Technician Grade-2 (I.T.). At that time, this post was not included in Technical Staff Group-3. This post has been included in Group-3 on dated 2.9.2022 as per the orders of the Vice-Chancellor. In regard to issue of seniority list, as per recommendations of committee formed by the Vice-Chancellor, the posts included at later stage, have to be included according to the orders of V.C. (2) As per Para 2 of Syndicate dated 28.12.2013, more posts of 10300-34800+3800 Grade-Pay were included in technical staff Group- 3, whereas the post of Technician Grade-2 (I.T.) has been included in Group-3 on dated 2.9.2022.

5. Thus, the issue arose:-

(i) Whether for the reasoning recorded in the aforesaid order, the services of the petitioner prior to 02.09.2022 when the said post was included in this Group-III as per the University would stand erased?

6. While issuing notice of motion, this Court observed as under:-

“Counsel for the petitioner refers to Annexure P-5 to submit that the fact that the post on which the petitioner is working was included in Group-III on 2nd of September, 2022 cannot have an effect of erasing service of the petitioner who admittedly joined services on 3rd of March, 2014.

Issue notice of motion returnable for 31.01.2023.”

7. Counsel representing the respondents does not dispute that the gradation of the post is as per the pay scale attached and the petitioner indeed enjoys the same pay scale as the other post in the common seniority list of Technician Grade-III are enjoying.

8. In view of the above, there is no cogent reason at the hands of the respondent-University to deny the claim of the petitioner for considering his seniority based upon the length of service from the day he was appointed.

9. Resultantly, the present writ petition is allowed. Annexure P-5 qua the petitioner is ordered to be quashed. Respondents are directed to redraw the final seniority list (Annexure P-8) qua the petitioner by granting him benefit in accordance with law. The necessary exercise be concluded within a period of 08 weeks from the

date of receipt of certified copy of the order.

10. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

04.05.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No